

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**ESTATE OF BARBARA JEANETTE DESKIN,
DECEASED, BY AND THROUGH TERESSA
ANN CURRIER, EXECUTRIX OF THE ESTATE OF
BARBARA JEANETTE DESKIN, DECEASED**

PLAINTIFF

VS.

NO. 3:19cv265-MPM-JMV

**DIVERSICARE OF SOUTHAVEN, LLC D/B/A
DIVERSICARE OF SOUTHAVEN; DIVERSICARE
MANAGEMENT SERVICES CO., DIVERSICARE
LEASING COMPANY III, LLC; AND
DIVERSICARE HEALTHCARE SERVICES, INC.**

DEFENDANTS

**AGREED ORDER ALLOWING LIMITED
ARBITRATION RELATED DISCOVERY**

BEFORE THE COURT is the Motion for Limited Arbitration Related Discovery filed by Defendants [ECF 4] and having been advised that the parties are in agreement that limited arbitration related discovery is appropriate the court hereby finds and orders as follows:

1.

Defendants shall be allowed to conduct the limited arbitration discovery set forth in its Motion [ECF 4].

2.

Plaintiff shall be allowed to depose the facility representative who executed the Arbitration Agreement on behalf of the facility. Plaintiff shall also be allowed to conduct limited arbitration related discovery as to whether Defendants can enforce the arbitration agreement.

3.

Both parties shall be allowed to conduct limited arbitration related discovery on the

issue of unconscionability, as well as Barbara Deskin's competency at the time the arbitration agreement was signed.

4.

All arbitration related discovery shall be completed within ninety (90) days of the date of this order.

5.

Defendants shall be allowed fourteen (14) days after conclusion of arbitration related discovery to supplement their arbitration pleadings filed in this case.

6.

Plaintiff shall be allowed fourteen (14) days after such supplementation, if any, to file a response to the arbitration motion and any supplementation to same. Plaintiff is relieved of any requirement to file a response to Defendants' Consolidated Motion to Dismiss and for Leave to Conduct Limited Arbitration Related Discovery [ECF 4] and supporting memorandum brief [ECF 5] at this time.

7.

Defendants shall have seven (7) days to file a rebuttal following Plaintiff's submission of any response to Defendants' arbitration motion and/or supplement.

SO ORDERED AND ADJUDGED this the 12th day of December, 2019.

/s/ Jane M. Virden
HONORABLE JANE VIRDEN
UNITED STATES MAGISTRATE JUDGE

AGREED TO AS TO FORM AND CONTENT:

/s/Cameron Jehl

CAMERON JEHL, ESQ.

Attorney for Plaintiff

/s/Brad Dillard

BRAD DILLARD, ESQ. (#10114)

Attorney for Defendants